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Citation for published version:

Krasniqi, G 2012, 'Unpacking Post-Communist Socio-Political Transformations in the Western Balkans: A Citizenship-Centred Approach', *Südosteuropa: Journal of Politics and Society*, vol. 60, no. 4, pp. 555-64.

Link:

[Link to publication record in Edinburgh Research Explorer](#)

Document Version:

Publisher's PDF, also known as Version of record

Published In:

Südosteuropa: Journal of Politics and Society

Publisher Rights Statement:

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GËZIM KRASNIQI

Unpacking Post-Communist Socio-Political Transformations in the Western Balkans: A Citizenship-Centred Approach

Abstract. This paper discusses the benefits of using a citizenship-centred approach in the study of state-building in the Balkans. Applying Shaw's and Štiks's concept of the "citizenship regime", the paper argues that the process of multiple transformations triggered by the fall of communism and the varieties in state-building practices in the post-Yugoslav states cannot be fully comprehended without a deeper understanding of citizenship regimes.

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Introduction

Following the demise of communism in 1989 and the subsequent dissolution of the multinational socialist federations: the Soviet Union, Czechoslovakia and Yugoslavia, developments in these countries have been at the centre of both academic and media attention. As a result, an ever expanding academic literature, covering a wide range of issues related to state-building and transition, has emerged. Scholars from different social science disciplines have applied various approaches and methodologies in the study of state-building. Post-communist Europe and Eurasia have become "fertile ground for testing theories of democratization, institutional design, interest group interaction, and identity politics that have been developed in other geographic contexts".¹

Issues related to state-building, political reconstruction and transformation have been placed within different theoretical frameworks, thus widening the scope of the analysis.

Nonetheless, despite the volume of scholarly work and many efforts by practitioners to learn lessons and improve outcomes, the international institutions in

¹ Charles KING, *Extreme Politics: Nationalism, Violence and the End of Eastern Europe*. Oxford, New York 2010, 80.

charge of intervention – the United Nations (UN), the International Monetary Fund (IMF), the World Bank (WB) and other national and international agencies and bodies – enacted their “liberal peacekeeping” agenda with little or no regard to the unique nature of the countries where they were intervening. These institutions’ predominant logic of

“measuring countries against a single universal standard based on a normative model of the modern European state that ignores the different histories of state formations in other parts of the world and alternative ways of governing”,²

often generated crises and instability instead of peace and institutional stability. The external state-builders’ mantra of state-building from scratch, based on a pre-established single model that contains general “diagnosis” and “cures” invokes a pre-defined process with clear-cut criteria and a supposedly attainable “happy end”. Legacies from the past and the unique nature of each case were generally ignored.

Of particular concern is the almost complete disregard of the communist legacy by external state-builders. Such disregard is especially problematic in the context of the Western Balkans because most of the new states (with the exception of Kosovo) had some tradition of state organization even before 1989 (e.g. former Yugoslav republics that exercised many state-like functions after 1945). Therefore, to comprehend fully the socio-economic transformation of these countries, we need to account for both the target country’s complexities and the external actors’ policies and agendas. Based on a comparison of seven cases from Yugoslavia that revealed a great variety among them and among the various international actors involved in the region, Woodward argues for the

“need to focus more on the actual policies, goals and varying choices of those driving this state-building agenda and practice, not only on the characteristics of the target countries.”³

The underlying complex nature of the profound social, political and economic transformations that were triggered by the fall of communism can hardly be grasped by a top-down approach which focuses on replacing a set of socialist institutions with a liberal one. Instead, there is a need for an approach that focuses on the multiple and continuous processes of socio-political transformation that occurred in the Balkans, while taking into account the interplay between local and international actors, socialist legacies, the (re)definition of state and ethnic identities and the process of integration into the European Union (EU).

² Susan L. WOODWARD, *Varieties of State-Building in the Balkans: A Case for Shifting Focus*, in: Martina FISCHER / Beatrix AUSTIN / Hans J. GIESSMANN (eds.), *Advancing Conflict Transformation*. Opladen, Farmington Hills/MI 2011 (The Berghof Handbook II), 315-335, 316.

³ *Ibid.*, 332.

In this paper I discuss the use of the concept of citizenship in the study of state-building in the cases of the post-Yugoslav states.⁴ Applying Shaw's and Štiks' concept of the "citizenship regime",⁵ this study explains different state-building processes and institutional transformations in post-Yugoslav states from the perspective of their past and present citizenship regimes. Moreover, the paper argues that a comparison between the socialist (two-tiered) federal Yugoslav citizenship regime and post-Yugoslav citizenship regimes is essential for an understanding of the political struggle between various political and ideological groups, minorities and majorities, and domestic and external actors, which in turn are central to the state-building process in the aftermath of the fall of communism.

Alternative Approaches to State-Building: Citizenship Regime

In the Western Balkans, citizenship has emerged as an important tool in the process of state-building. Once it became clear that the old socialist system would not last, the following questions became pressing: Who belongs, by formal citizenship, to the state? Should citizenry coincide with the nation defined in ethno-cultural terms? Do co-ethnics abroad have claims on the state? Will citizenship be held individually or will it be mediated by ethnic group membership?

According to Brubaker, various and differing definitions of citizenship have been shaped and sustained by "distinctive and deeply rooted understandings of nationhood".⁶ In his earlier work, Brubaker distinguished between two principal understandings of the concept of nationhood – territorial and political (the French model), where nationhood is understood as a political fact, and ethno-cultural (the German model), where nationhood is understood as an ethno-cultural fact. The tension between ethno-cultural and political aspects

⁴ This text draws on the author's work as part of the CITSEE project (The Europeanisation of Citizenship in the Successor States of the former Yugoslavia), at the School of Law, University of Edinburgh. For more on the CITSEE project, see <<http://www.law.ed.ac.uk/citsee>> and <<http://www.citsee.eu>>. All cited internet sources were last accessed on 14.12.2012.

⁵ According to Jo SHAW / Igor ŠTIKS, *The Europeanisation of Citizenship in the Successor States of the Former Yugoslavia: An Introduction*. Edinburgh 2010 (CITSEE Working Paper Series 2010/01), 6, available at <http://www.law.ed.ac.uk/file_download/series/178_the_europeanisation_of_citizenship_in_the_successor_states_of_the_former_yugoslavia_an_introd.pdf>, "the concept encompasses a range of different legal statuses, viewed in their wider political context, which are central to the exercise of civil rights, political membership and – in many cases – full socio-economic membership in a particular territory". See also Jo SHAW / Igor ŠTIKS, *Introduction: Citizenship in the New States of South Eastern Europe*, *Citizenship Studies* 16 (2012), n. 3/4, 309-321.

⁶ Rogers BRUBAKER, *Citizenship and Nationhood in France and Germany*. Cambridge/MA 1992, x-xi.

of nationhood has shaped most societies and states in modern times. In the last two decades following the dissolution of socialist Yugoslavia, this region has been characterised by a high degree of tension between the two concepts of nationhood and citizenship in the definition of the new polities that came into existence.⁷

Christian Joppke's framework of analysis, which identifies at least three aspects of citizenship – citizenship as status, citizenship as rights, and citizenship as identity – is particularly useful in the study of state-building.⁸ The first aspect of citizenship (status) denotes formal state membership and rules to access this; the second aspect (rights) is both about "classical" civic, political and social rights and about the new generation of rights, namely, multicultural recognition; the third aspect (identity) refers to the behavioural dimension of individuals at a time when membership in a state and identity often diverge.

At the same time, the concept of the

"citizenship regime is based on a given country's citizenship legislation defining the body of citizens (i.e. who is entitled to citizenship and all the duties and rights attached to that status), on administrative policies in dealing with citizenship matters and the status of individuals, and, finally, on the official or non-official dynamic of political inclusion and exclusion."⁹

The use of such a concept enables cross-country comparisons with a focus on both similarities and differences from the past, conflict legacies, different trajectories in the context of EU integration, as well as on varieties in the scale of international intervention. As far as methodology is concerned, comparisons are made using Scheppele's approach of "constitutional ethnography", which involves the "study of the central legal elements of polities using methods that are capable of recovering the lived detail of the politico-legal landscape".¹⁰ This approach embraces nation, culture and the overall politico-legal context.

Accounting for Multiple Transformations and Divergent Paths

Accounting for the multiple and continuous processes of post-communist transformation is central to the understanding of citizenship regimes and

⁷ Gëzim KRASNIQI, *Citizenship as a Tool of State-Building in Kosovo: Status, Rights, and Identity in the New State*. Edinburgh 2010 (CITSEE Working Paper Series, 2010/10), 2, available at <http://www.law.ed.ac.uk/file_download/series/216_citizenshipasatoolofstatebuildinginkosovostatusrightsandidentityinthenewstate.pdf>.

⁸ Christian JOPPKE, *Transformation of Citizenship: Status, Rights, Identity*, *Citizenship Studies* 11 (2007), n. 1, 37-48.

⁹ SHAW / ŠTIKS, *Introduction: Citizenship in the New States* (above fn. 5), 311.

¹⁰ Kim L. SCHEPPELE, *Constitutional Ethnography: An Introduction*, *Law and Society Review* 38 (2004), n. 3, 389-406, 395.

state-building in the post-Yugoslav states. Although institutions are a central element of the state and as such should take central stage in the study of state-building, the process of transition from communism to democracy and a free market economy triggered major societal transformations with unpredictable consequences. While applying the concept of the citizenship regime, in what follows I analyse the underlying tensions that characterised the state-building process in former Yugoslavia.

The first important transformation was from a socialist citizenship regime, in which the population was divided into three categories: “working class”, “working people” and “citizens”,¹¹ into the single category of “ethnic democracy”¹² in the SFRY’s successor states. Resurgence of extreme nationalism and the coming to power of nationalist elites paved the way for the replacement of a socialist vision of citizenship with an ethnocentric one that resulted in a process of “ethnic engineering”.¹³ In the post-communist “citizenship struggles”,¹⁴ minorities and majorities were engaged in a battle for domination or equality within the newly emerged polities. Thus, by comparing the two-tiered federal Yugoslav citizenship based on the principles of the equality of nations (*narod*) and nationalities (*narodnost*)¹⁵ with the post-Yugoslav citizenship regimes that were mostly based on ethnic principles one can understand better the struggle of various groups to prevent a status downgrade.

Likewise, a focus on citizenship can reveal interesting results when it comes to the treatment of minorities in the post-Yugoslav states and tensions between different understandings of citizenship and nationhood. For example, Slovenia, which has been widely portrayed as a “success story” in the transition to modern liberal democracy, set up a citizenship regime that is rife with undemocratic practices.¹⁶

A closer examination of the Serbian citizenship regime shows that due to the Serbian political elites’ attempt to maintain control over population and territory

¹¹ Vojin DIMITRIJEVIĆ, The 1974 Constitution and Constitutional Process as a Factor in the Collapse of Yugoslavia, in: Payam AKHAVAN / Robert HOWSE (eds.), *Yugoslavia, The Former and the Future: Reflections by Scholars from the Region*. Washington/DC 1995, 55.

¹² A diminished type of democracy, lacking a number of core democratic features. See Sammy SMOOHA, *The Model of Ethnic Democracy*, in: IDEM / Priit JÄRVE (eds.), *The Fate of Ethnic Democracy in Post-Communist Europe*. Budapest 2005, 5-59, 21f.

¹³ Igor ŠTIKS, Nationality and Citizenship in the Former Yugoslavia: From Disintegration to European Integration, *South East European and Black Sea Studies* 4 (2006), n. 4, 483-500, 484.

¹⁴ Rogers BRUBAKER, Citizenship Struggles in Soviet Successor States, *International Migration Review* 26 (1992), n. 2, 269-291.

¹⁵ For more on citizenship in socialist Yugoslavia see Igor ŠTIKS, *A Laboratory of Citizenship: Shifting Conceptions of Citizenship in Yugoslavia and Its Successor States*. Edinburgh 2010 (CITSEE Working Paper Series, 2010/02), available at <http://www.law.ed.ac.uk/file_download/series/179_laboratoryofcitizenshipshiftingconceptionsofcitizenshipinyugoslaviaanditsuccess.pdf>; ŠTIKS, Nationality and Citizenship (above fn. 13).

¹⁶ Tomaž DEŽELAN, In the Name of the Nation or/and Europe? Determinants of the Slovenian Citizenship Regime, *Citizenship Studies* 16 (2012), n. 3/4, 413-429.

in changing political circumstances, the Serbian citizenship regime in the 1990s was more “civic” than the post-2000 one, which has introduced ethnic elements that are likely to be further strengthened.¹⁷ While in the 1990s Serbia’s citizenship regime was characterized by its rigid structure (control of access to citizenship, which affected mainly Serb refugees) and the de facto exclusion of Kosovo Albanians, after the fall of Milošević’s regime in October 2000 citizenship became less restrictive, but it included elements of ethnification and post-territorial citizenship. As argued by Vasiljević, this apparent contradiction can be explained by the specific goals of Serbian political elites to achieve the congruence of state, territory and nation in a constantly changing political and regional context.¹⁸

Likewise, an analysis of the transformation of the citizenship regime in Croatia is very helpful in the attempt to comprehend the political struggles within the Croatian political system, the complex “triadic nexus”¹⁹ between the Croat state, its Serb minority, and Serbia throughout the 1990s, as well as accession to the EU or establishment of the special connection with Croatian ethnic communities abroad.²⁰

By the same token, examining citizenship practices in Yugoslavia’s successor states today can be helpful in bringing to light the role of external actors in (re)shaping the legal and institutional structure of the countries in the region, namely in Bosnia and Herzegovina, Macedonia, and Kosovo. Internationally brokered agreements, including the Dayton Peace Accords in Bosnia (1995), the Ohrid Framework Agreement in Macedonia (2001), and the Comprehensive Proposal for Kosovo Status Settlement – known as the Ahtisaari Plan (2007), have all either laid down the foundations of the future polities and citizenship regimes or have reshaped the old ones.

While Bosnia’s citizenship regime, established at Dayton in 1995, stands out for its bifurcated nature and the existence of a plurality of regimes and conceptions of citizenship,²¹ the post-2001 citizenship regime in Macedonia is characterised by an

¹⁷ Jelena VASILJEVIĆ, *Imagining and Managing the Nation: Tracing Citizenship Policies in Serbia*, *Citizenship Studies* 16 (2012), n. 3/4, 323–336.

¹⁸ *Ibid.*, 323f.

¹⁹ Rogers BRUBAKER, *Nationalism Reframed: Nationhood and the National Question in the New Europe*. Cambridge 1996, 4–5.

²⁰ Viktor KOSKA, *Framing the Citizenship Regime within the Complex Triadic Nexuses: The Case Study of Croatia*, *Citizenship Studies* 16 (2012), n. 3/4, 397–411.

²¹ Eldar SARAJLIĆ, *Conceptualising Citizenship Regime(s) in Post-Dayton Bosnia and Herzegovina*, *Citizenship Studies* 16 (2012), n. 3/4 367–381.

“apparent tension between an official, elite-driven discourse of the Macedonian model of multi-ethnic democracy, on the one hand, and diverging ethno-culturally coded initiatives, ideologies and perceptions, on the other.”²²

Likewise, in the case of Kosovo, although the internationally drafted citizenship legislation resulted in the adoption of the “new-state” model that makes all Kosovo residents citizens, its regime is characterised by a tension between civic and multicultural conceptions of citizenship, on the one hand, and ethno-national conceptions, on the other.²³

These externally modelled citizenship regimes certainly aimed at addressing the emergence of ethnically based citizenship regimes in the aftermath of the dissolution of Yugoslavia. However, due to the ethnicisation of politics, violence and multiple state dissolutions in the last two decades, as well as to the predominance of the ethno-cultural understanding of citizenship, these internationally drafted/imposed citizenship regimes are subject to contestation by various groups or communities within the state.

At the same time, a citizenship perspective reveals a change in the international community’s strategy towards state-building in the former Yugoslavia. While in the case of Croatia and Slovenia the international community favoured a Weberian model where the new political entities would establish a monopoly over the use of force within their claimed territories, in the case of Bosnia, Macedonia, and Kosovo, it managed to impose political and constitutional arrangements that would grant extensive political and cultural rights to minorities.²⁴ These externally drafted arrangements and provisions laid the foundations of the citizenship regimes that emerged after the end of the conflicts.

Simultaneously, since 1989 a major transformation has also been taking place in the domain of social rights. As a result of the IMF- and WB-enforced policies of “structural adjustment”, citizens in the post-communist countries experienced a rapid deterioration of public services in the areas of education, health and social security in general. The trade-off between the civic and the social dimensions of rights took place almost everywhere, leaving many people and populations without employment or social security. In addition, as argued by Verdery, the dismantling of collective property (through privatization) after the fall of communism weakened the state as well as changed the nature of the state’s relation to its subjects.²⁵

²² Ljubica SPASKOVSKA, The Fractured “We” and the Ethno-National “I”: The Macedonian Citizenship Framework, *Citizenship Studies* 16 (2012), n. 3/4, 383-396, 383.

²³ Gëzim KRASNIQI, Overlapping Jurisdictions, Disputed Territory, Unsettled State: The Perplexing Case of Citizenship in Kosovo, *Citizenship Studies* 16 (2012), n. 3/4, 353-366.

²⁴ WOODWARD, Varieties of State-Building in the Balkans (above fn. 2), 322-326.

²⁵ Katherine VERDERY, Nationalism, Citizenship, and Property: Eastern Europe since 1989, *American Ethnologist* 25 (1998), n. 2, 291-306, 298.

In turn, the changing nature of the state's relation to its subjects had two negative consequences. First, ethnicisation of the subject of state sovereignty and the definition of citizenship contributed to ethnicisation of the subject of property rights.²⁶ For example, privatization played a big role in empowering various groups within the state and disempowering others. Second, as a result of external pressures for fast privatization of socially owned factories and properties, on the one hand, and a lack of accountability on the side of local politicians on the other, a small oligarchy has been created. Therefore, property became an important element in the context of new identity dynamics and in the politics of citizenship in post-communist countries.

Last but not least, the post-1989 process of transformation also entails space, both in its physical and symbolic sense, which has traditionally been a central element of state and nation. Space in general, and public space in particular, has historically been an important element for the emergence and development of citizenship and as such should be taken into account in the analysis of state-building and state-transformation. As Isin and Wood argue, "citizenship rights were mapped in congruence with access to public space".²⁷ Bounded urban spaces play the role of a daily theatre for the performance of (struggles over) citizenship.²⁸

This performance of political identity involves the intersection and (re)articulation of ethnic, class, and gender differences, as well as continuing struggles over the socio-institutional boundaries delimiting the exercise of citizenship. Therefore, different groups struggle over the control of different spaces and thus create a process of spatial inclusion/exclusion. In the aftermath of communism, the battle for control of space resulted in the emergence of new physical and symbolic borders and boundaries. These struggles, coupled with the wrong policies and political choices, have enabled the emergence of new spaces, such as completely transformed landscapes as well as mono-ethnic cities/towns and divided spaces/towns.

The Yugoslav wars brought about large population movements, ethno-demographic engineering, "ethnic unmixing"²⁹ and the destruction of a huge number of cultural and religious sites in an attempt to attack and eradicate social institutions and cultural heritage, as well as to reshape space and modify territories in line with the political aims and territorial claims of various parties. The city of Mostar in Bosnia and Mitrovica in Kosovo, divided in Croat-Bosniac

²⁶ Ibid.

²⁷ Engin F. ISIN / Patricia K. WOOD, *Citizenship and Identity*. London 1999, 78.

²⁸ Nira YUVAL-DAVIS, *Citizenship, Territoriality and the Gendered Construction of Difference*, in: Neil BRENNER et al. (eds.), *State/Space: A Reader*. Malden/MA 2003, 309-325.

²⁹ BRUBAKER, *Nationalism Reframed* (above fn. 19), 166.

and Serb-Albanian parts respectively, remain symbols of such a process of ethnic and spatial separation.

More recently, territory and space is being used by political and national elites to transform and reinforce ethnic and national identities in line with nationalist projects and goals. The symbolic appropriation and modification of territory has become essential in “proving” historical occupation of a particular territory and dominance over “the other”. A case in point is the massive urban revitalization project known as “Skopje 2014”, which includes the erection of a series of historical monuments in the city centre of Macedonia’s capital city. In the context of internally and externally contested nation-building, such a project has generated local and international criticism and provoked reaction by ethnic Albanians who see it as an attempt by the Macedonian majority to symbolically appropriate the landscape and territory.

Nonetheless, despite the apparently different natures and the various trajectories taken by Yugoslavia’s successor states, a closer examination of the development and transformation of their citizenship regimes reveals mutual influences and interdependencies. Therefore, Bauböck’s concept of “citizenship constellations”, which represent “structures in which individuals are simultaneously linked to several such political entities, so that their legal rights and duties are determined not only by one political authority, but by several”,³⁰ helps illuminate the impact of previous legal and political structures, as well as EU ones, on the development of various post-Yugoslav citizenship regimes.

Save Kosovo, all the other post-Yugoslav states were established as legal entities since 1945 and had their republic-citizenship regimes within the Yugoslav federal two-tier citizenship regime. In spite of the fact that in the process of Yugoslavia’s dissolution, membership in the new polities was often determined by ethnic criteria, it was the republic-level citizenry that formed the basis for the newly emerging independent citizenship regimes. Both the former two-tier Yugoslav citizenship regime as well as the two-tier EU citizenship regime play a crucial role in the making and shaping of post-Yugoslav citizenships. Therefore, as Shaw and Štiks write:

“All these regimes are, to put it that way, in the *post-federal* and *pre-federal* constellation at the same time, or, in other words, between the past and future two-tier citizenship regime.”³¹

External and dual citizenship are key elements in the post-Yugoslav political constellation as individuals are tied to more than one polity in various forms.

³⁰ Rainer BAUBÖCK, Studying Citizenship Constellations, *Journal of Ethnic and Migration Studies* 36 (2010), n. 5, 847-859, 848.

³¹ SHAW / ŠTIKS, Introduction: Citizenship in the New States (above fn. 5), 313.

As a result, in the process of delineating citizenship, legacies of the previous federal citizenship regime are critical, in addition to domestic political struggles.

A case in point is Montenegro where the legacy of previous federal experience contributed to a restrictive approach to citizenship through naturalization.³² The issue of dual citizenship, as the most advanced form of linkage to political entities, is a key question in the relations between Serbia and Montenegro, as well as between Bosnia, Croatia and Serbia, and between Kosovo and Serbia. In the case of the latter, citizenship constellations are even more complex due to the overlapping jurisdictions of Serbia and Kosovo and Kosovo's contested statehood.

Conclusion

In this article I have highlighted insights gained from using the concept of the citizenship regime in the study of state-building and political transformations in the Western Balkans. The citizenship approach accounts for a multiplicity of actors, processes and interdependencies that have characterised the post-Yugoslav states. In other words, a citizenship regime as a central element in a wider political settlement reflects contestations and conflicts between titular "nations" and minorities, among "constitutive peoples", political and ideological groups or groups of citizens over citizenship and related rights, especially the rights of political participation.³³

A citizenship-centred approach examines socialism's legacies, internal and external political dynamics, the ethno-religious composition of each country, minority-majority relations, and the multiple processes of disintegration in order to explain the variety of states that succeeded socialist Yugoslavia.

This article has demonstrated how citizenship regimes in the post-Yugoslav states have been shaped and reshaped continuously, based on the aims of external factors involved in the process of state-building in the region, historical legacies, regional developments, the internal power balance, and the political and ideological concerns of political parties and other groups. These changes reflect attempts to define the relationship between the state and its citizens, and above all, to achieve the congruence of state, nation and membership in a constantly changing and highly complex and interdependent regional political context. This is the root of the tensions and contestations that persist even today, while citizenship struggles continue to illuminate a long and perplexing process of transition and state-building.

³² Jelena DZANKIC, Understanding Montenegrin Citizenship, *Citizenship Studies* 16 (2012), n. 3/4, 337-351.

³³ SHAW / ŠTIKS, Introduction: Citizenship in the New States (above fn. 5), 312f.